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31 May 1955

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT : Proposed Regulation [ ] Compliance  
with CIA Security Regulations

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1. There are forwarded herewith the following documents concerning the above subject:

a. The draft Regulation [ ] circulated by memorandum of Chief, Regulations Control Staff, dated 30 December 1954.

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b. Memorandum of the Special Assistant to the Deputy Director (Support), dated 6 January 1955.

c. Memorandum from Assistant General Counsel [ ]  
[ ] dated 23 February 1955, and

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d. Memorandum of Chief, Office of Security, dated 13 May 1955.

2. As the above listing would indicate, the proposed regulation has been the subject of much consideration. The exchange of correspondence between this Office and the Office of Security has produced agreement on a number of points, but disagreement remained involving: (a) failure to define violations; (b) the provision for mandatory penalties; and (c) the provision that failure to observe security "policies" would be an offense. We have now discussed these and a number of other points with Colonel Edwards and have arrived at a compromise on substance. The following subparagraphs indicate the agreements reached, deal with each of the points mentioned in the above correspondence, and include a number of drafting changes necessitated by the agreements or intended to clarify the various provisions.

a. Paragraph 1 of draft regulation. In line with the point raised by [ ] (his paragraph 2a) and accepted by Colonel Edwards (his paragraph 2a), in line 9 of paragraph 1 the word "recommends" should be deleted.

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b. Paragraph 2. [ ] (his paragraph 2) and Colonel Edwards have agreed to spell out the term "Chiefs of Major Components". But it is believed the paragraph is also deficient in that it does not specify whether it is the appropriate Deputy Director or the Operating Official in a given case who is to be the Responsible Authority. To meet this point the paragraph should read:

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"The term 'Responsible Authority' as used in this regulation shall mean the Deputy Director (Support), the Deputy Director (Plans) or the Deputy Director (Intelligence), as appropriate. If the employee involved is not subordinate to the DD/S, DD/P or DD/I, the Responsible Authority shall be the chief of the employee's unit."

c. Paragraph 7a of the regulation provides that the regulation applies "to all personnel employed by or connected with" CIA. "Connected with" is believed much too vague and Colonel Edwards has agreed that this term be spelled out. The language below is suggested and it is believed the regulation is more readable if the language appears at an early stage in the regulation. Thus paragraph 1 should become 1a and the following 1b added:

"This regulation shall apply to all employees and consultants of CIA and to all military and civilian personnel assigned to CIA from other agencies of the Government."

Paragraph 7 would then read:

"7. Penalties With Respect To Personnel Detailed From Other Agencies."

a. In a case in which the person involved is detailed to CIA from another Government agency and the penalty which otherwise would be requested is dismissal, the appropriate action shall be to request return of the individual concerned to his parent agency.

b. When a determination" etc.

And paragraph 3d should read:

"d. PERSONNEL SUBJECT TO THIS REGULATION"

Each person to whom this regulation applies is responsible for . . . security. Each of such persons is also charged with" etc.

And paragraph 5 should begin:

"Persons to whom this regulation applies who fail" etc.

d. Paragraph 5. In order to lessen the evil inherent in the provision that failure to observe CIA security "policies" will subject the person to the penalties provided we have agreed to limit this to written policies:

*security*

"Persons to whom this regulation applies who fail to observe CIA regulations and security policies set forth in other CIA regulations will be subject to administrative action, or in certain serious cases, to criminal prosecution."

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e. Paragraphs 5a(1)(c)(1) and 5a(1)(d)(1) should read as follows (see [ ] paragraph 1d, [ ] paragraph 2d, and Colonel Edwards' paragraph on the subject).

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"Suspension without pay for a period of not less than 1 day or more than 30 days."

"Suspension without pay for a period of not less than 2 weeks or more than 30 days."

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f. Paragraph 5a(3). It is believed unnecessary to cite the authority for dismissals since dismissals for security violations are of an administrative nature and do not involve special powers of this Agency (see [ ] paragraph 2e and Colonel Edwards' subparagraph e).

g. Paragraph 5b is believed an inaccurate paraphrase of the laws cited. Since these laws are set forth in Regulation [ ] it is believed this subparagraph can be in very general terms:

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"Appropriate cases will be transmitted to the Department of Justice for prosecution under the espionage laws (Title 18 U.S.C., Sections 793 and 794, set forth in Regulation [ ]".

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h. Paragraph 6a is inaccurate in that, contrary to this provision, the Responsible Authority cannot effect the imposition of the more serious penalties. The provision should read:

"The Responsible Authority shall effect the imposition of security penalties or, when the penalty prescribed involves a personnel action or criminal prosecution, he shall address appropriate recommendations to the Director of Personnel and the ~~Office of~~ General Counsel, ~~respectively~~. The Responsible Authority shall notify the Director of Security, in writing, of the action taken in each case."

i. Paragraph 9. As indicated above (paragraph 2) this Office is considerably concerned that the regulation fails to define violations, thereby leaving the employee totally unable to learn what conduct would subject him to the penalties of the regulation. This danger is compounded by the fact that there is no procedure or review to deal with cases as they arise. On the other hand, it is recognized as a virtual impossibility to attempt to write up a whole series of actions which would constitute offenses. Colonel Edwards has pointed out that the regulation has to be administered in a practical way and that, in fact, on occasions appeals under the present regulation have been referred to higher authority. This may be the best solution we can work out and Colonel Edwards has agreed that an appropriate provision be written into the regulation. The following paragraph 9 is suggested:

"9. Appeals. Nothing in this regulation shall bar the Director of Security or the Responsible Authority concerned from

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referring any matter under this regulation to the Deputy Director (Support), the Deputy Director of Central Intelligence, or the Director of Central Intelligence, as appropriate. The DD/S, DDCI or DCI may establish a board to advise him on matters referred under this paragraph." ✓

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